

CONGRESSMAN PETER DEFazio

4th District, Oregon
P.O. Box 1316
Springfield OR 97477
www.defazioforcongress.org

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FEDERAL ELECTION
COMMISSION

Jan
2011 FEB -7 AM 10:27

OFFICE OF GENERAL
COUNSEL

January 5, 2011

FEDERAL ELECTION COMMISSION

ATTN: Jeff Jordan

999 E St. NW

Washington, D.C. 20463

RE: MUR 6446

Dear Mr. Jordan:

I am writing in response to the complaint filed on December 1, 2010, by Lynnelle Kummelehne. The complaint alleges I violated Federal Election law by speaking at a Bay Area Rotary luncheon in Coos Bay, Oregon, on October 12, 2010. Ms. Kummelehne provides no specifics and cites no language from the FECA to support her complaint. Ms. Kummelehne misrepresents both my participation in the luncheon and the motivation of the Bay Area Rotary Club, and I believe her complaint should be dismissed.

My participation at the Rotary's luncheon was official. As chair of the subcommittee on Highways and Transit, I spoke primarily on transportation-related topics. I discussed the status of a pending six-year transportation reauthorization bill that I authored, and the impact it would have on transportation systems both nationally and locally. A local television station reported on my comments to the Rotary on October 12, 2010, and notes my focus on transportation-related issues in their news coverage (See attached A).

I have often spoken at Rotary meetings throughout my district. I have attended 43 Rotary Club gatherings including at the Bay Area Rotary, in the last 10 years. My congressional office was contacted by the Bay Area Rotary to ask about my availability to address their group in early October 2010. My district scheduler confirmed my availability with them on October 8, 2010.

Ms. Kummelehne's claim that the event was "partisan" and that the Rotary endorsed my candidacy is false. At no time did the Rotary display my campaign signs, distribute information about my candidacy, or treat this as a campaign event. (See Attached Photos 1, 2, 3, and 4).

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I also believe Ms. Kummelehne's argument is erroneous. Ms. Kummelehne's states in her complaint that the Bay Area Rotary is a 501(c)(3). However, according to a 2008 990-EZ filed by the Bay Area Rotary Club in Coos Bay, OR, is a 501(c)(6) (see attached B). Organizations with this tax status are eligible to host speakers of a political nature as long as that activity does not comprise its sole purpose. And there is no filing listing this Rotary as a charity on the Oregon Department of Justice database.

For the reasons I have described above, I respectfully request that the Commission dismiss this matter.

Sincerely,


Peter A. DeFazio

PAD:hs

Attachments

ATTACHMENT A

KCBY 11 - Coos Bay / North Bend, Oregon

Print this article

DeFazio: timing is everything for rail service

Originally printed at <http://www.kcby.com/news/local/104827894.html>

By Erica Rush KCBY News October 12, 2010

COOS BAY, ORE - U.S. Congressman Peter DeFazio is pushing to get a new Transportation Bill ready in the hopes of getting approval in time to hit the next construction season, which could have a big impact on the Coos Bay Rail line.

After a failed attempt to pass a six-year Transportation Bill through the Obama Administration last May, the Oregon Democrat told folks at the Coos Bay-North Bend Rotary Club Luncheon that this current "lame-duck" session could be the best time to prepare to push through a new Bill.

He says, after all, when it comes to the 111-mile rail line to Coos Bay, timing is everything. "It(the rail line) serves our businesses and commerce in terms of delivering products. We need to get that Bill done in a timely way so that contracts can go out next March when construction season begins. If we don't get the Bill done until May or June, then you lose another construction season...you lose these jobs."

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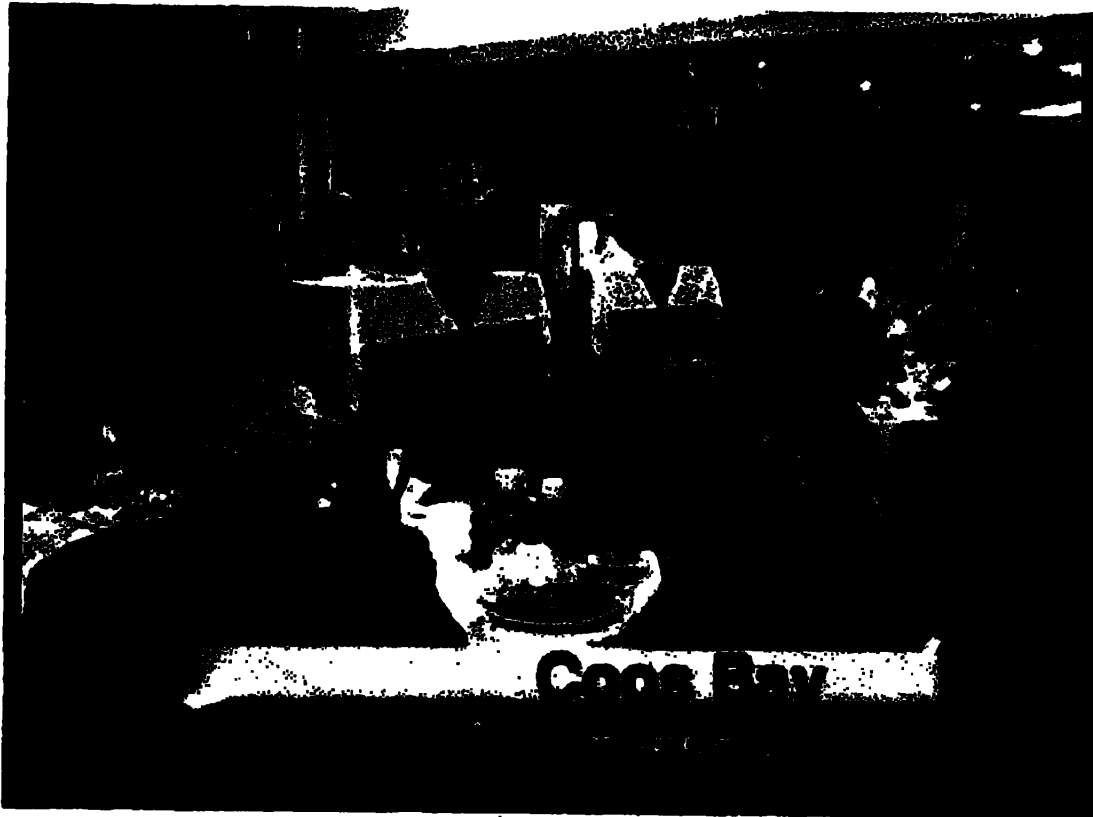
All photos courtesy of KCBY video coverage of event

PHOTO 1



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PHOTO 2



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Form **990-EZ**Department of the Treasury
Internal Revenue Service**Short Form
Return of Organization Exempt From Income Tax**

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)

► Sponsoring organizations of donor advised funds and controlling organizations as defined in section 512(p)(13) must file Form 990. All other organizations with gross receipts less than \$1,000,000 and total assets less than \$2,500,000 at the end of the year may use this form.

► The organization may have to use a copy of this return to satisfy state reporting requirements.

OMB No 1545-1150

2008Open to Public
Inspection

A For the 2008 calendar year, or tax year beginning <u>JULY 1</u> , 20 <u>08</u> , and ending <u>JUNE 30</u> , 20 <u>09</u>	
B Check if applicable: <input type="checkbox"/> Address change <input type="checkbox"/> Name change <input type="checkbox"/> Initial return <input type="checkbox"/> Termination <input type="checkbox"/> Amended return <input type="checkbox"/> Application pending	C Name of organization BAY AREA ROTARY CLUB Number and street for P.O. box, if mail is not delivered to street address: Room/suite P.O. BOX 104 City or town, state or country, and ZIP + 4 COOS BAY, OR 97420
D Employer identification number 93 1020055	E Telephone number () () ()
F Group Exemption Number ►	

• Section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A (Form 990 or 990-EZ).

G Accounting method ☒ Cash ☐ Accrual
Other (specify) **►**

I Website: **►**

J Organization type (check only one) — ☒ 501(c) (6) (insert no) ☐ 4947(a)(1) or ☐ 527

K Check ☐ if the organization is not a section 509(a)(3) supporting organization and its gross receipts are normally not more than \$25,000. A return is not required, but if the organization chooses to file a return, be sure to file a complete return.

L Add lines 5b, 6b, and 7b to line 9 to determine gross receipts. If \$1,000,000 or more, file Form 990 instead of Form 990-EZ. **► 3**

Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances (See the instructions for Part I.)

Revenue	1 Contributions, gifts, grants, and similar amounts received	1	16,500
	2 Program service revenue including government fees and contracts	2	
	3 Membership dues and assessments	3	2,472
	4 Investment income	4	
	5a Gross amount from sale of assets other than inventory	5a	
	5b Less: cost or other basis and sales expenses	5b	
	5c Gain or (loss) from sale of assets other than inventory (Subtract line 5b from line 5a) (attach schedule)	5c	
	6 Special events and activities (complete applicable parts of Schedule G) if any amount is from gaming, check here <input type="checkbox"/>		
	6a Gross revenue (not including 5) of contributions reported on line 1)	6a	23,145
6b Less: direct expenses other than fundraising expenses	6b	11,540	
6c Net income or (loss) from special events and activities (Subtract line 6b from line 6a)	6c	11,605	
7a Gross sales of inventory, less returns and allowances	7a		
7b Less: cost of goods sold	7b		
7c Gross profit or (loss) from sales of inventory (Subtract line 7b from line 7a)	7c		
8 Other revenue (describe ► MISCELLANEOUS)	8	2,573	
9 Total revenue. Add lines 1, 2, 3, 4, 5c, 6c, 7c, and 8	9	33,150	
Expenses	10 Grants and similar amounts paid (attach schedule)	10	11,399
	11 Benefits paid to or for members	11	
	12 Salaries, other compensation, and employee benefits	12	
	13 Professional fees and other payments to independent contractors	13	1,100
	14 Occupancy, rent, utilities, and maintenance	14	
	15 Printing, publications, postage, and shipping	15	731
	16 Other expenses (describe ► MISCELLANEOUS 7,677, DUES 2,864)	16	10,541
	17 Total expenses. Add lines 10 through 16	17	23,771
18 Excess or (deficit) for the year (Subtract line 17 from line 9)	18	14,399	
19 Net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year figure reported on prior year's return)	19	82,994	
20 Other changes in net assets or fund balances (attach explanation)	20		
21 Net assets or fund balances at end of year. Combine lines 18 through 20	21	107,390	

Part II Balance Sheet. If Total assets on line 25, column (B) are \$2,500,000 or more, file Form 990 instead of Form 990-EZ.

(See the instructions for Part II.)

	(A) Beginning of year	(B) End of year
22 Cash, savings, and investments	82,994	107,390
23 Land and buildings		
24 Other assets (describe ►)		
25 Total assets	82,994	107,390
26 Total liabilities (describe ►)		
27 Net assets or fund balances (line 27 of column (B) must agree with line 21)	82,994	107,390

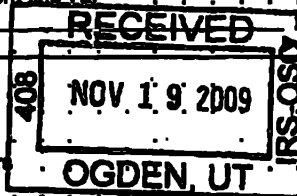
For Privacy Act and Paperwork Reduction Act Notice, see the instruction for Form 990.

Cat No 108421

Form 990-EZ (2008)

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